REMARKS

In the Office Action, the Examiner rejected claims 1-12 and 14-34 under 35 USC §103. Applicant respectfully traverses these rejections.

The Examiner has indicated that claim 13 is allowable.

The claims have been amended to correct various typographical errors. Claims 1-34 remain pending.

Reconsideration of the application is respectfully requested based on the following remarks.

REJECTION OF CLAIMS UNDER 35 USC §103

In the Office Action, the Examiner rejected claims 1-2, 4-5, 9-12, 20-21, and 31-34 under 35 USC §103(a) as being unpatentable over Palmer et al, U.S. Patent No. 6,791,959, ('Palmer' hereinafter) in view of Jeyaseelan et al, U.S. Pub. No. 2005/0070275, ('Jeyaseelan' hereinafter).

Each of the pending claims triggers roaming of a network device based upon trigger values that serve as threshold values. Specifically, the speed of the network device is detected, and one or more trigger values at the detected speed are either ascertained or modified. Roaming is triggered based upon whether a trigger counter meets the trigger value at the detected speed.

Each of the independent claims recites, "detecting a speed of the network device." The Examiner cites col. 6, lines 1-10 of Palmer. Palmer does disclose that roaming can be critical when the "mobile worker" is "moving swiftly." However, this cited portion of Palmer neither discloses nor suggests detecting a specific speed of a network device.

It is also important to note that col. 6, lines 1-10 of Palmer clearly state that Palmer extrapolates future measurements. "This allows anticipation of the need to rate shift or roam rather than to wait for an unsuccessful transmission or comparison against a fixed predefined threshold." Thus, Palmer teaches away from comparing a current detected measurement against a predefined threshold.

Each of the independent claims, as amended, further recites "ascertaining one or more trigger values corresponding to one or more trigger events at the <u>detected</u> speed of the network device<u>, wherein the one or more trigger values corresponding to the one or more trigger events are threshold values associated with the detected speed of the network device, wherein the one or more trigger values have been configured at the network device</u>" or "modifying one or more trigger values corresponding to one or more trigger events at the <u>detected</u> speed of the network device<u>, wherein the one or more trigger values corresponding to the one or more trigger events are threshold values associated with the detected speed of the network device</u>."

The Examiner cites col. 7, lines 40-57 of Palmer. Col. 7, lines 40-57 indicate that Palmer predicts future measurements, which is "even more critical when the wireless communication device 20 is rapidly transitioning from one call to the next or utilizing high speed. While the cited portion of Palmer discloses determining a relative position, the cited portion fails to disclose or suggest detecting a speed of the device, or ascertaining or modifying threshold values that correspond to the detected speed. Accordingly, Applicant respectfully asserts that Palmer fails to disclose or suggest "ascertaining one or more trigger values corresponding to one or more trigger events at the <u>detected</u> speed of the network device<u>, wherein the one or more trigger values corresponding to the one or more trigger events are threshold values associated with the detected speed of the network device, wherein the one or more trigger values have been configured at the network device</u>" or "modifying one or more trigger values corresponding to one or more trigger events at the <u>detected</u> speed of the network device<u>, wherein the one or more trigger values corresponding to the one or more trigger events are threshold values associated with the detected speed of the network device</u>."

The Examiner admits that Palmer does not teach "maintaining one or more trigger counters associated with the one or more trigger events" or "triggering roaming when one of the trigger counters associated with one of the trigger events is equal to or exceeds one of the trigger values corresponding to the one of the trigger events at the speed of the network device." The Examiner seeks to cure the deficiencies of Palmer with Jeyaseelan.

Applicant respectfully asserts that Jayaseelan fails to cure the deficiencies of Palmer set forth above. Moreover, it appears that Jayaseelan merely discloses a timer. See paragraph [0020]. Specifically, Jayaseelan discloses a timer at the expiration of which

roaming starts. While a timer may be considered a "counter," an additional "trigger value" or threshold value is not implemented in Jayaseelan. Clearly, roaming starts in Jayaseelan at the expiration of a timer, and this type of system would be incompatible with an entirely different method of triggering roaming (e.g., use of a threshold value). Roaming in Jayaseelan is not triggered based upon the comparison between the counter and a threshold value. As such, the combination of the cited references would fail to operate as claimed.

The Examiner further cites FIG. 3 and paragraph [0026]-[0027] of Jayaseelan. Jayaseelan discloses the use of a percentage of retries as a threshold. In addition, Jayaseela discloses determining whether an average signal strength (RSSI) is less than a threshold. While Jayaseelan does disclose the use of a threshold, the thresholds of Jayaseelan are clearly independent of the detected speed of the device. As such, Applicant respectfully asserts that Jayaseelan fails to disclose or suggest "triggering roaming when one of the trigger counters associated with one of the trigger events is equal to or exceeds one of the trigger values corresponding to the one of the trigger events at the detected speed of the network device." Moreover, Jayaseelan fails to cure the deficiencies of Palmer. As such, Applicant respectfully asserts that the combination of the cited references would fail to operate as claimed.

Applicant respectfully asserts that the remaining references fail to cure the deficiencies of the primary references. Based on the foregoing, it is submitted that the independent claims are patentable over the cited references. In addition, it is submitted that the dependent claims are also patentable for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further-discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from the cited references. Thus, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC § 103.

SUMMARY

An early Notice of Allowance is earnestly solicited. If there are any further issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 504480 (Order No. CISCP360).

Respectfully submitted,
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